

REMARKS AND DISCUSSION

Initially, applicant thanks the Examiner for the helpful and courteous comments made by the Examiner during the telephonic interview conducted with applicant's undersigned representative on Tuesday, November 17, 2009.

Although no agreement was reached during the interview, it is believed that the interview was helpful and productive in clarifying the Examiner's viewpoint, in identifying areas of disagreement, and in expediting the prosecution of the application.

Upon entry of the present amendment, claims 1-3 and 5-6 remain pending in the application, of which, claims 1 and 2 are independent, and of which, claims 3 and 5 are multiple dependent claims. Claims 1 and 2 have been amended by the present amendment. Claim 4 has been canceled without prejudice or abandonment of the subject matter therein.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted.

It is contended that by the present amendment, all bases of objections and rejections set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the objections and rejections is respectfully requested.

Amendments Presented

In the claims: claims 1 and 2 have been amended herein to include the subject matter of (now canceled) claim 4, which the Examiner has indicated to include allowable subject matter.

Applicant respectfully submits that the above amendments to the claims are fully supported by the original disclosure including drawings. Applicant also respectfully submits that no new matter is introduced into the application by amending the claims, since the entire subject matter thereof was expressly or inherently disclosed in the original claims, specification and the drawings.

Claim Rejections – 35 USC §103

On page 2 of the Office Action, the Examiner rejected claims 1 and 5 under 35 U.S.C. 103(a) as unpatentable over Faigle in view of Hirashima. It is the Examiner's position that Faigle discloses an on-vehicle component fixation-release apparatus that releases on-vehicle components attached to a vehicle body by a fastening member (30), comprising: a dismantling means (Col. 1, lines 59-67), and a determination means (42). However, the Examiner states that while Faigle fails to disclose a specific sensor location, Hirashima discloses a sensor (50) mounted on a buffer bar (10a). It is the Examiner's position that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Faigle such that its sensor is in a location as taught by Hirashima so as to detect a head-on collision.

Applicant's Response:

Applicant respectfully traverses the above ground of rejection, and requests reconsideration and withdrawal thereof, based on the present amendments and arguments.

Applicant respectfully submits that neither Faigle nor Hirashima disclose or make obvious each and every limitation of applicant's claimed invention. Specifically, neither Faigle nor Hirashima discloses that the dismantling by the dismantling means is allowed in accordance with an input signal that is input from outside the vehicle, but instead disclose systems wherein the controller is activated based on signals coming from crash sensors which are located on the vehicle body, not outside the vehicle as in the claimed invention. Therefore, no combination of the cited references can obtain the above-described advantageous effect of the claimed invention.

However, in an effort to expedite prosecution of the present application, applicant has amended claim 1 herein to include the subject matter of (now canceled) claim 4, which the Examiner has indicated to be allowable. Applicant has also made claim 2 independent, and has amended claim 2 to now include the subject matter of both claim 1 and claim 4.

Upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection, and submits that the above rejection of claims 1 and 5 under 35 USC §103 have been overcome by the present amendment. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 5 under 35 U.S.C. 103(a) as unpatentable over Faigle in view of Hirashima.

On page 3 of the Office Action, the Examiner rejected claims 2, 3 and 6 under 35 U.S.C. 103(a) as unpatentable over Faigle in view of Hirashima and further in view of Byon. As regards claims 2, 3 and 6, the Examiner has maintained his rejection from the Office Action of February 27, 2009, wherein he states Byon discloses a power supply to provide power to detonators. The Examiner states that in his view, it would have been obvious to one having ordinary skill in the art at the time the present invention was made to modify the invention of Faigle et al. such that it comprises an electrical storage means as taught by Byon, and further to modify the invention of Faigle, Hirashima and Byon to have made the fixed members with a shape memory alloy.

Applicant's Response:

Applicant respectfully traverses the above ground of rejection, and requests reconsideration and withdrawal thereof, based on the present amendments and arguments. Applicant has carefully considered the above rejection and respectfully traverses such rejection for those reasons as stated above with respect to the Faigle and Hirashima references, which are not overcome by any additional teachings of Byon. Specifically, neither Faigle, Hirashima nor Byon teach the input signal being transmitted to the input receiving portion from a remote location. Instead, Byon (similar to Faigle and Hirashima) discloses a structure in which a hinge of a door is dismantled when the vehicle body is deformed by a collision and/or overturned, however, Byon fails to discuss the use of a receiver or an outside transmission which activates

the determination means and in turn activated the detachment of the vehicle door.

However, as stated above, in an effort to expedite prosecution of the present application, applicant has amended claim 2 herein to be rewritten in independent form and also to include the subject matter of (now canceled) claim 4, which the Examiner has indicated to include allowable subject matter. Upon careful consideration, applicant respectfully traverses such rejection, and submits that the above rejection of claims 1 and 5 under 35 USC §103 have been overcome by the above amendments, and respectfully requests such rejection be reconsidered and withdrawn.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the rejections set forth in the Office Action have been overcome, and, as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.


It is applicant's contention that no possible reading of the references, either singly or in any reasonable combination, can be viewed as teaching applicant's claimed invention. Therefore, applicant respectfully requests reconsideration and withdrawal all of the rejections of record, and allowance of the pending claims.

Entry of the present amendment after final under 37 CFR 1.116 is respectfully requested, on the grounds that it raises no new issues for consideration by the Examiner, that it places the application in condition for allowance, and/or that it places the claims in better form for appeal.

If the Examiner is not fully convinced of the allowability of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to resolve any issues remaining in the prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,


/

William Blackman
Attorney for Applicant
Registration No. 32,397
(248) 344-4422

Customer No. 21828
Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
November 18, 2009

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted, via EFS web, to the United States Patent and Trademark Office on November 18, 2009.


/

WDB/amm